

MANDATE

S.D.N.Y.-N.Y.C.
12-cv-1817
12-cv-3704
Scheindlin, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 1st day of September, two thousand fifteen.

Present:

Peter W. Hall,
Debra Ann Livingston,
Circuit Judges,
Alvin K. Hellerstein,*
District Judge.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 09/01/2015

Thomas Laumann, et al.,

Plaintiffs-Respondents-Cross Petitioners,

Fernanda Garber, et al.,

Plaintiffs,

v.

15-1743 (L);
15-1770 (XAP)

National Hockey League, et al.,

Defendants-Petitioners-Cross Respondents,

DIRECTV, et al.,

Defendants.

* Judge Alvin K. Hellerstein, of the United States District Court for the Southern District of New York, sitting by designation.

MANDATE ISSUED ON 09/01/2015

Fernanda Garber, et al.,

Plaintiffs-Respondents-Cross Petitioners,

v.

15-1747 (L);
15-1773 (XAP)

DirecTV Sports Networks LLC, et al.,

Defendants-Petitioners-Cross Respondents,

Office of the Commissioner of Baseball, et al.,

Defendants-Cross Respondents,

New York Yankees Partnership, et al.,

Defendants.

The above matters are consolidated for purposes of this order. In 15-1743 and 15-1747, Petitioners—defendants in the district court— move, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court’s grant of class certification under Rule 23(b)(2). In 15-1770 and 15-1773, Cross-Petitioners—plaintiffs in the district court—move, pursuant to Rule 23(f), for leave to appeal the district court’s denial of class certification under Rule 23(b)(3). In addition, Petitioners and Cross-Petitioners each request leave to file reply briefs.

Upon due consideration, it is hereby ORDERED that the parties’ motions to file reply briefs is GRANTED, and the proposed replies have been considered. However, it is further ORDERED that the Rule 23(f) petitions and cross-petitions are DENIED because an immediate appeal is unwarranted with respect to either the Rule 23(b)(2) grant or the Rule 23(b)(3) denial. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001).

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk

 

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 